

FILE **DMB**

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23 DEC 1970

MEMORANDUM FOR: Deputy Director for Support

SUBJECT : Administrative Adoption of Statutory Benefits

REFERENCE : Draft Memo, same subj

1. This memorandum is in response to your oral request for the comments of this Office on referent memorandum.

2. You are aware of the position we took last summer when this subject was first discussed, that is, we believe this action goes beyond the adoption of an administrative authority and amounts to our legislating on our own behalf. That aside, since we assume the Executive Director-Comptroller and General Counsel have in their minds resolved that issue, we offer the following comments on the referent memorandum.

3. In paragraph 3 we find the words, "...some demonstration of mobility during Agency service, either by PCS or TDY." In the sense in which mobility has been used to identify that quality of readiness for duty away from Headquarters, usually overseas, we do not believe that TDY is such a demonstration. I would add here that no place in the memorandum do we find any rationale for 365 days of TDY being the critical quantity.

4. The penultimate sentence of paragraph 4, "Furthermore, it has been determined that attempts to formulate criteria of differentiation would generate new problems of morale and administration" we read to be an argument against distinguishing a sub-class of employees within CSRS rather than an argument in support of the proposition here presented. We believe in fact that argument is consonant with a concern of the Executive Director reflected in the Minutes of 17 July of the Deputies' Meetings.

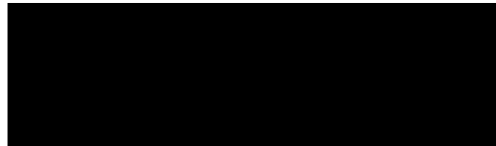
5. If we are correct in assuming that the basic philosophical and legal issue has been resolved in favor of according this benefit to

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GROUP 1
Excluded from automatic
downgrading and
declassification

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some employees covered under the Civil Service Retirement System, then we would propose that the criteria for qualification for this benefit be acceptance and completion of at least one PCS tour of at least 18 months duration. Exception to the time limit might be approved for those instances in which the tour was interrupted or shortened for hostile action, diplomatic, cover, or budgetary reasons.



Robert S. Wattles
Director of Personnel

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Remarks: Bob: In addition to what we've said here - We are going to have to live with this a long time - not just the benefit here discussed but also what may - will inevitably follow - "Why him and not me?" "If that, why not this?" I am <u>most</u> uneasy about this both in principle and without careful and wide (by Deputies' Staffs for instance) analysis.			
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